

REMARKS

1. Status of Claims

Claims 16-20 were pending in the Application. A Request for Continued Examination (RCE) is filed herewith. Applicant has amended Claims 16 and 20 without prejudice or disclaimer. Applicants have added new Claims 21-34 and cancelled claims 18 and 19. Applicants respectfully request entry of the above amendments and consideration of the enclosed remarks. Applicants submit that no new matter is added. Accordingly, Claims 16, 17 and 20-34 will remain pending in the application.

2. Rejections under 35 USC § 101

In the Office Action, the Examiner rejected Claims 16-20 as allegedly being directed to non-statutory subject matter. In response, Applicant has amended Claim 16 and 20 to be directed more clearly to statutory subject matter. Accordingly, Applicant respectfully traverses the rejection.

3. Rejections under 35 USC § 103(a)

In section 5 of the Office Action, the Examiner rejected Claims 16-20 under 35 U.S.C. 103(a) as allegedly being rendered obvious by US Patent No. 5,995,950 issued to Barns-Slavin et al. (hereinafter "Barns-Slavin '950") in view of U.S. Patent Pub. No. US2002/0120540 A1 by Kende et al. (hereinafter "Kende").

Applicants respectfully traverse the rejection. However, solely in order to expedite prosecution, Applicants have amended independent Claim 16 and thus, the rejection is moot.

Furthermore, there is no motivation to combine the references and the Examiner is engaging in impermissible hindsight in making such combination. Even if the references were deemed to be properly combined, the combination does not render the invention as presently claimed obvious. Applicant respectfully submits that none of the properly combined references teach, disclose or suggest at least the following underlined portions of Claim 16:

16. (currently amended) A method for performing work flow balancing of a carrier system using a computer to determine and offer dynamic pricing to at least one customer of the carrier system comprising:

determining capacity in the carrier system at a designated time period by using the computer to process capacity data;

obtaining customer usage and customer data using the computer;

identifying the at least one customer to receive the dynamic pricing using the computer;

when the capacity of the carrier system is underutilized during the designated time period, offering decreased pricing to the at least one customer to use the carrier system during the designated time period by using the computer to update a rate database maintained by the carrier system for the customer and reserving capacity in the carrier system for the at least one customer using the computer;

when the capacity of the carrier system is over utilized, offering increased pricing to the at least one customer to use the carrier system during the designated time period by using the computer to update a rate database maintained by the carrier system for the customer;

obtaining dynamic pricing related usage data using the computer;

analyzing the dynamic pricing related usage data using the computer;

determining effectivity of the dynamic pricing using the computer;

determining whether to modify the dynamic pricing using the computer based on the effectivity of the dynamic pricing; and

modifying the dynamic pricing by using the computer to update the at least one customer's rate database.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 16.

Applicant respectfully submit that Claim 17 is dependent on Claim 16 and is therefore patentable over the cited references for at least the reasons described above with reference to Claim 16.

Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection to Claim 17.

In section 6 of the Office Action, the Examiner rejected Claim 20 under 35 U.S.C. 103(a) as allegedly being rendered obvious by Barns-Slavin '950 in view of Kende and further in view of U.S. Patent No. 5,072,401 to Sansone et al. ("Sansone '401"). Applicant respectfully traverses the rejection.

Applicant respectfully submit that Claim 20 is dependent on Claim 16 (and any intervening claims) and is therefore patentable over the cited references for at least the reasons described above with reference to Claim 16.

Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection to Claim 20.

4. New Claims

Applicant respectfully submits that new claims 21-34 are patentable over the cited references. For example, new independent claim 27 recites, "when the capacity of the carrier system is over utilized, offering increased pricing to the at least one customer to use the carrier system during the designated time period by updating a rate database maintained by the carrier system for the customer." Accordingly, Applicant respectfully submits that new claims 21-34 are patentable over the cited references and in condition for allowance.

5. Conclusion Of Remarks

For at least the reasons stated above, it is respectfully submitted that the Claims 16, 17 and 20-34 of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3453.

5. Authorization

No fee is believed due with this Amendment. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes Inc. Deposit Account Number 16-1885, Order No. F-506.

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for

that extension of time which is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes Inc. Deposit Account Number 16-1885, Order No. F-506.

Respectfully submitted,

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